

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 112  
3 entitled “An act relating to creating the Spousal Support and Maintenance Task  
4 Force” respectfully reports that it has considered the same and recommends  
5 that the House propose to the Senate that the bill be amended by striking out all  
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 15 V.S.A. § 752 is amended to read:

8 § 752. MAINTENANCE

9 (a) In an action under this chapter, the court may order either spouse to  
10 make maintenance payments, either rehabilitative or permanent in nature, to  
11 the other spouse if it finds that the spouse seeking maintenance:

12 (1) lacks sufficient income, or property, or both, including property  
13 apportioned in accordance with section 751 of this title, to provide for his or  
14 her reasonable needs; and

15 (2) is unable to support himself or herself through appropriate  
16 employment at the standard of living established during the civil marriage or is  
17 the custodian of a child of the parties.

18 (b) The maintenance order shall be in such amounts and for such periods of  
19 time as the court deems just, after considering all relevant factors, including,  
20 ~~but not limited to:~~

- 1           (1) the financial resources of the party seeking maintenance, the  
2           property apportioned to the party, the party's ability to meet his or her needs  
3           independently, and the extent to which a provision for support of a child living  
4           with the party contains a sum for that party as custodian;
- 5           (2) the time and expense necessary to acquire sufficient education or  
6           training to enable the party seeking maintenance to find appropriate  
7           employment;
- 8           (3) the standard of living established during the civil marriage;
- 9           (4) the duration of the civil marriage;
- 10          (5) the age and the physical and emotional condition of each spouse;
- 11          (6) the ability of the spouse from whom maintenance is sought to meet  
12          his or her reasonable needs while meeting those of the spouse seeking  
13          maintenance; ~~and~~

1 (7) inflation with relation to the cost of living; and

2 (8) the following guidelines:

	<u>% of the difference</u>	<u>Duration of alimony award</u>
<u>Length of marriage</u>	<u>between parties'</u>	<u>as % length of marriage</u>
	<u>gross income</u>	
		<u>No alimony</u>
<u>0 to &lt;5 years</u>	<u>0–20%</u>	<u>or short-term alimony</u>
		<u>up to one year</u>
<u>5 to &lt;10 years</u>	<u>15–35%</u>	<u>20–50% (1–5 yrs)</u>
<u>10 to &lt;15 years</u>	<u>20–40%</u>	<u>40–60% (3–9 yrs)</u>
<u>15 to &lt;20 years</u>	<u>24–45%</u>	<u>40–70% (6–14 yrs)</u>
<u>20+ years</u>	<u>30–50%</u>	<u>45% (9–20+ yrs)</u>

13 Sec. 2. SPOUSAL SUPPORT AND MAINTENANCE STUDY

14 On or before January 15, 2018, the Family Division Oversight Committee  
15 of the Supreme Court shall review how the spousal support and maintenance  
16 guidelines set forth in 15 V.S.A. § 752(b)(8) are working in practice, and  
17 report on its findings to the Senate and House Committees on Judiciary. In  
18 addition to this review, the Committee may consider any of the following  
19 topics for further legislative recommendations:

20 (1) the purposes of alimony;

1           (2) the meaning of both permanent and rehabilitative alimony, as used in  
2           15 V.S.A. §752(a), and if judges should specify whether they are awarding  
3           rehabilitative alimony or permanent alimony, or both;

4           (3) whether income from a pension should be considered for alimony  
5           purposes when such pension is also divided or awarded in the division of  
6           assets and property;

7           (4) whether to establish a “retirement age” for purposes of ending  
8           alimony payments, and whether judges should continue to have the discretion  
9           to order alimony to continue past such retirement age if the facts of a case call  
10          for such continuation;

11          (5) what constitutes cohabitation for purposes of alimony, and what  
12          effect a recipient spouse’s cohabitation should have on alimony awards; and

13          (6) what effect the remarriage of a recipient spouse should have on an  
14          alimony award.

1       Sec. 3. EFFECTIVE DATE

2           This act shall take effect on passage.

3           and that after passage the title of the bill be amended to read: “An act  
4 relating to spousal support and maintenance guidelines and study”

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8           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE